

APR 29 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michael D. Camras; Michael R. Krames; Wayne L. Snyder; Frank M. Steranka; Robert C. Taber; John J. Uebbing; Douglas W. Pocius; Troy A. Trottier; Christopher H. Lowery; Gerd O. Mueller; Regina B. Mueller-Mach

Assignee: Lumileds Lighting U.S., LLC

Title: Light Emitting Diodes With Improved Light Extraction Efficiency

Serial No.: 09/660,317 Filed: September 12, 2000

Examiner: Monica Lewis Group Art No.: 2822

Docket No.: M-8633 US

San Jose, California  
April 29, 2005

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL  
DOUBLE PATENTING REJECTION OVER A PENDING SECOND  
APPLICATION

Sir:

Petitioner, Lumileds Lighting U.S., LLC, a Delaware corporation having a place of business at 370 W Trimble Road, San Jose, CA 95131, is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending second application No. 09/880,214, filed on June 12, 2001, the term being defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on the second application. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent

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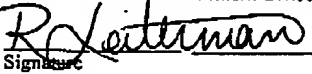
Ser. No. 09/660,317

granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

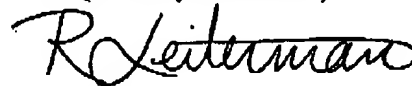
In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event any such patent granted on the second application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

In compliance with 37 C.F.R. §1.20(d), the commissioner is authorized to charge the fee of \$110.00 to our Credit Card for this Terminal Disclaimer as set forth in the enclosed transmittal letter and accompanying Credit Card Payment Form PTO-2038.

The undersigned represents that he/she is authorized to sign on behalf of Petitioner.

Certification of Facsimile Transmission	
I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.	
 Signature	<u>4/29/05</u> Date

Respectfully submitted,



Rachel V. Leiterman  
Attorney for Applicants  
Reg. No. 46,868